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5 Attorneys for Defendants  
PENINSULA HUMANE SOCIETY  
and DEBI DENARDI  
6

7 THE UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9 DIVISION OF SAN FRANCISCO

10 TAMARA DOUKAS, an individual, ) No. CV-08-2336-SI  
11 Plaintiff, )  
12 v. ) **DECLARATION OF KEVIN M. SMITH IN  
13 COUNTY OF SAN MATEO, et al., ) SUPPORT OF DEFENDANTS' BRIEF IN  
14 Defendants. ) RESPONSE TO PLAINTIFF'S "SHOW  
CAUSE" OPENING BRIEF RE:  
JURISDICTION  
15 \_\_\_\_\_) [FRCP Rule 201(b)(2)]  
\_\_\_\_\_)**

16 Date: October 3, 2008  
17 Time: 9:00 a.m.  
Dept.: 10

18 Honorable Susan Ilston

19 I, Kevin M. Smith, hereby declare:

20 1. I am an attorney duly licensed to practice law before all Courts of the State of California,  
21 and am a member of the law firm of Bradley, Curley, Asiano, Barrabee & Gale, P.C., attorneys of  
22 record and co-counsel for Defendants Peninsula Humane Society and Debi Denardi.

23 2. I have personal knowledge of all facts stated herein, and if called as a witness, I could and  
24 would competently testify thereto.

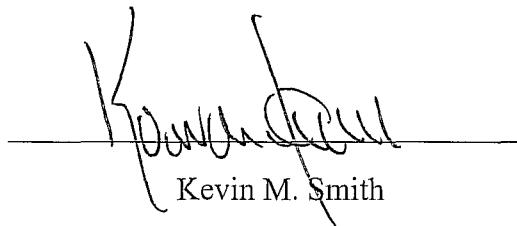
25 3. Attached hereto as Exhibit "1" is a true and correct copy of Plaintiff's Fifth Amended  
26 Complaint which Plaintiff seeks to file in San Mateo County Superior Court Case No. 461 009.

1       4. It is anticipated Plaintiff will seek leave of San Mateo County Superior Court to file her  
2 amended pleading within the next thirty (30) days as Defendants are not willing to stipulate to same.

3       I declare under penalty of perjury under the laws of the State of California the foregoing is  
4 true and correct.

5       Executed this 9<sup>th</sup> day of September 2008, at Larkspur, California.

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Kevin M. Smith

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